

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:04-cr-0177-JMS-TAB-1
)	
PRESTON D. STRINGER,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

On August 6, 2014, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on April 21, 2014. Defendant Stringer appeared in person with his appointed counsel, Joe Cleary. The government appeared by Gayle Helart, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Jason D. Nutter.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Stringer of his rights and provided him with a copy of the petition. Defendant Stringer waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Stringer admitted violations 1 (in part), 2 and 3 (in part). [Docket No. 26.] Government orally moved to dismiss violation 4 and the same granted.
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

- 1 **“The defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer.”**

The defendant had been instructed to complete a monthly supervision report and submit it to the probation officer between the first and fifth of each month. No report was submitted by the offender for the months of September 2013, November 2013, and February 2014.

- 2 **“The defendant shall refrain from the use of any alcohol. This condition shall override Standard Condition #7.”**

On November 5, 2013, the offender admitted to the probation officer that he consumed one beer in November 2013.

- 3 **“The defendant shall not commit another federal, state, or local crime.”**

On April 11, 2014, the offender was arrested and charged with Domestic Battery, a felony, in Howard County, Indiana, under 34D01-1404-FD-00253. According to the Information, the offender allegedly hit his estranged wife, Sarah Gittings, in the face with his fist several times, while in the presence of their 10-month-old child. The offender is being held on a \$10,000 bond. An initial hearing is scheduled for April 24, 2014, at 9:00 a.m.

4. As to violation 1, Defendant Stringer admitted that he had failed to submit 2 reports (not 3) as alleged in the petition. Government accepted this modification. As to violation 3, Defendant Stringer admitted that he plead to a conviction for domestic battery, A misdemeanor. The Government and Defendant agree that this modification does not change the grade violation level.

5. The parties stipulated that:


- (a) The highest grade of violation is a Grade A violation.
- (b) Defendant’s criminal history category is VI.

- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 33 - 41 months' imprisonment.

6. The Government recommended a sentence of 24 months in the custody of the Federal Bureau of Prisons. Defendant asked to be released on supervision. The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that Defendant Stringer's supervised release should be MODIFIED to include extending supervision for an additional 4 months, residing at a Residential Release Center (RRC) for up to 180 days and attend anger management treatment. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation.

The parties waived the fourteen-day period to object to the Report and Recommendation.

Dated: 08/06/2014



Denise K. LaRue
United States Magistrate Judge
Southern District of Indiana

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